

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

BELK, INC. and BELK INTERNATIONAL,
INC.,

Plaintiffs,

vs.

MEYER CORPORATION, U.S., and MEYER
INTELLECTUAL PROPERTIES LIMITED,

Defendants.

Civil Action No.: 3:07-CV-168

JUDGMENT ON JURY VERDICT

This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict on June 4, 2010. Judgment is hereby entered as follows:

WHEREAS the jury rendered a verdict in favor of Meyer Corporation, U.S., and Meyer Intellectual Properties Limited (hereinafter "Meyer") on its claim for trade dress infringement under the Lanham Act 15 U.S.C. §1125; and

WHEREAS the jury also rendered a verdict in favor of Meyer on its claim for unfair and deceptive trade practices under N.C. Gen. Stat. § 75-1.1 (1985), and in doing so, made the following findings:

1. Belk distributed, marketed, and sold the private label Biltmore cookware line that was deceptively similar to Meyer's Anolon Advanced cookware line;
2. After receiving product, sales, and market information, as well as images and samples of Meyer's Anolon Advanced cookware line, Belk distributed, marketed, and sold the private label Biltmore cookware line that was deceptively similar to Meyer's Anolon Advanced cookware line; and
3. Belk proceeded to purchase a cookware design from Bonanza that was deceptively similar to Meyer's Anolon Advanced cookware line, even after learning that the

proposed designs provided to and considered by Belk from Bonanza were currently on sale by Meyer.

Accordingly, the Court finds as a matter of law that Meyer is entitled to treble damages as provided by N.C. Gen. Stat. § 75-16 (1985).

IT IS ORDERED AND ADJUDGED that because the jury rendered a verdict for Meyer on both its Lanham Act claim and Unfair Competition claim, each of the remaining claims of Belk, Inc., and Belk International, Inc. (hereinafter "Belk") for Declaratory Relief is denied;

IT IS FURTHER ORDERED AND ADJUDGED that the Counter-plaintiff Meyer have and recover from Counter-Defendant Belk damages in the amount of \$420,000, and that that the damages amount be trebled to \$1,260,000 pursuant to N.C. Gen. Stat. § 75-16 (1985).

IT IS FURTHER ORDERED AND ADJUDGED that the prevailing party be awarded costs in accordance with Rule 54(d)(1) of the Federal Rules of Civil Procedure, and therefore costs are to be taxed against Counter-Defendant Belk.

This 8th day of June 2010.


United States Magistrate Judge